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**City of Sherwood, Oregon  
Planning Commission  
January 28, 2014**

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**Planning Commission Members Present: Staff Present:**

Chair Jean Simson  
Vice Chair James Copfer  
Commissioner Michael Cary  
Commissioner Russell Griffin  
Commissioner Lisa Walker

Julia Hajduk, Community Development Director  
Bob Galati, Civil Engineer  
Brad Kilby, Planning Manager  
Michelle Miller, Senior Planner  
Kirsten Allen, Planning Dept. Program Coordinator  
Karen Brown, Building Permit Specialist

**Planning Commission Members Absent:**

Commissioner John Clifford  
Commissioner Beth Cooke

**Council Members Present:**

Councilor Robyn Folsom

**Legal Counsel:**

Chris Crean

**1. Call to Order/Roll Call**

Chair Jean Simson called the meeting to order at 7:11 pm.

**2. Agenda Review**

The agenda consisted of the Consent Agenda, and two Public Hearings under old business; PA 13-03, TSP Amendment for Adams Ave N and PA 13-04, TSP Amendment for Baler Way.

**3. Consent Agenda:**

**a. December 10, 2013 Planning Commission Minutes**

Commissioner Walker indicated there was an error regarding quorum on page 11 of the minutes. Chair Simson agreed that there were some errors and read her suggested changes aloud.

**Motion: From Vice Chair James Copfer to accept the corrected Consent Agenda with corrections as stated. Seconded by Commissioner Russell Griffin. All present Planning Commissioners voted in favor (Commissioners Clifford and Cooke were absent).**

**4. Council Liaison Announcements**

**Councilor Robyn Folsom, Council Liaison alternate said the Council has had a work session so far this year and one of the topics was medical marijuana dispensaries.**

**5. Staff Announcements**

Brad Kilby, Planning Manager, stated that the City is underway with the Transportation System Plan (TSP) Update with the next Citizen and Technical Advisory Committee meetings scheduled for February 12<sup>th</sup>, with an Open House on February 13, 2014.

Brad said there was a tentative schedule for the Planning Commission and the City Council to meet together on February 18<sup>th</sup> to give a progress report on the TSP Update process to date. Several Commission members indicated their availability to attend.

Brad said that on February 11, 2014 there is a scheduled hearing with the Planning Commission to discuss front yard setbacks that will need a Planning Commission recommendation to Council.

There will not be a Planning Commission meeting on February 25, 2014 in lieu of the joint session on the 18<sup>th</sup>.

## **6. Community Comments**

**Ann Reid**, Roses Restaurant and Bakery in Sherwood said they were looking for an update regarding how Tualatin Sherwood Road would change. She said Roses was located in the Sherwood Cinema Center and the Tualatin Sherwood Road and Baler Way extension would have a huge impact on the restaurant. Ms. Reid said that ODOT had verbally approved a right in option off of Hwy 99W and combined with the Baler Way extension they felt it would be a great alternative for the signal being removed. She said they were looking for updates regarding where they were and how they could help. Ms. Reid asked that the City keep Rose's and other small businesses in mind when making decisions. She said Rose's had been serving Sherwood for over ten years and hoped to be included in future decisions when determining access to the restaurant. Ms. Reid stressed that access and timing were huge issues for the restaurant.

## **7. Old Business**

### **a. Public Hearing – PA 13-03 Transportation System Plan Amendment for Adams Avenue North**

Chair Simson read the public hearing statement and indicated that the Planning Commission's decision would be a recommendation for action by the City Council. She asked for any conflict or bias.

Commissioner Michael Cary stated he had a potential conflict and since he had recused himself at the previous hearing he would continue to recuse himself for the project.

Chair Simson asked for the staff report.

Brad Kilby, Planning Manager gave a presentation (see record, Exhibit 1) said the application, from Washington County, was to amend the Transportation System Plan to include an extension of SW Adams Avenue North, which is now known as SW Langer Farms Parkway per a resolution from City Council. He said the intent of the amendment was to serve the commercial properties near the corner of Hwy 99W and Roy Rogers Road. Brad said the properties included property that was not yet annexed and those within the city are zoned General Commercial or Light Industrial. He said there is a seventy foot deep ravine at the back of the properties and it is not financially feasible that there will be enough development to justify putting a bridge across the ravine adjacent to Hunter's Ridge or the wildlife refuge. The road is proposed to only connect to a signalized intersection on Hwy 99W at the Home Depot. Brad said the applicant was proposing that the road be placed on the TSP as a collector street for the purpose of providing access to those properties and to address capacity and safety issues in the area. Brad said that Hwy 99W and Roy Rogers / Tualatin Sherwood Road are designated freight routes by the State and Washington County so it is desired to minimize the number of accesses onto those streets.

Brad explained that the road would be an addition to the Functional Classification Plan in the TSP and said the forecasted traffic generation of the area was about 5000 average daily trips. He said that staff recommends that the Planning Commission forward a recommendation to the City Council to place the proposed collector onto the City's TSP function classification map.

Commissioner Copfer asked for confirmation that the road would not go through but would be a cul-de-sac and strictly for access. Brad confirmed and said it was basically a line on the TSP map that shows the connectivity. There would not be any highway access back onto Roy Rogers so the likely scenario is a cul-de-sac. He said the actual location and configuration would be determined when a development proposal is received.

Chair Simson asked for applicant testimony.

**Stefanie Slyman** with Harper Houf Peterson Reghillis (HHPR), the applicant's representative, and Dan Erpenbach of Washington County came forward. Ms. Slyman explained that the amendment would add a new collector street to the TSP map and the design would not be determined at this time and the amendment was a high level planning level approval to show how connectivity in the city would be served. She remarked that the Planning Commission's role was to provide a recommendation to the final decision maker, the City Council.

**Dan Erpenbach** said that the project area is partially developed. He said that 50,000 cars go through the Tualatin Sherwood / Roy Rogers/ Hwy 99W intersection per day and the property is valuable in that it is one of the most seen properties in the county. Mr. Erpenbach asserted that traffic was jamming up the intersection and the potential development would create more cars. He said the County was trying to get ahead of the curve by showing the road in the TSP. Mr. Erpenbach explained that access was important and the current access off of Roy Rogers Road was not capable of handling a commercial development. He said he could not answer whether that access on Roy Rogers would remain but safety is a concern for the County and, as is, the driveway is too close to the intersection. Mr. Erpenbach said that Hwy 99W is under ODOT jurisdiction with Tualatin Sherwood/ Roy Rogers being under County jurisdiction. He said the proposed road is designated a collector so that it comes to a signalized intersection and addresses the safety aspect. Mr. Erpenbach said the County's approach to dealing with traffic in the area is a four pronged approach.

1. Widen Roy Rogers/ Tualatin Sherwood Road.
2. Implement an Intelligent Traffic System (ITS). This has partially been implemented on the eastern half of Tualatin Sherwood Road and there is an ITS system in design that will go from Baler street to the existing system towards Tualatin.
3. Manage access along Tualatin Sherwood/Roy Rogers Road and Hwy 99W and limit the number of driveways off of arterials.
4. Create off corridor circulation which is being addressed with the TSP Amendment.

Mr. Erpenbach expressed that the County wanted to get people to the businesses in a safe manner and to control how that happens.

Ms. Slyman asked the Commission if they had any questions regarding the traffic study. She added that the County met with City Staff twice to ensure that the approval criteria was met and there was a neighborhood meeting before the proposal was put together. She said the County had listened to the Sherwood citizens at the neighborhood meetings, because the County was considering having the road continue all the way through, but amended the proposal so it stops to only serve the commercial and industrial properties and not cross the ravine.

Chair Simson indicated that the applicant had 23:24 remaining. She asked for public testimony from any proponents.

**John Anderson**, Sherwood property owner, said he was representing his wife, Barbara, and sister, Katherine Shack and recounted that he grew up on the property and was a lifetime resident of Sherwood. Mr. Anderson explained that they have had the property up for sale since 1991, after the intersection of Roy Rogers /Hwy 99W went in. He said the property had five accesses to the highway when ODOT put that in, but they were taken away and only given one. Mr. Anderson commented that the property has not sold because there is no access to the property. He related that he has worked with Dan Erpenbach before and he appreciated getting access to the property because it will continue to sit unsold without access. Mr. Anderson expressed that his personal preference would be to have a road parallel to Hwy 99W and behind Sherwood Business Park for a more efficient use of the land and a cost effective way of getting access to the whole property. He said a road cost \$1000 per foot and he was not in favor of high development costs for the property. Mr. Anderson said he was in favor of access. He stated that he was told by ODOT, in a meeting with the City and Washington County, that it was still a possible option to open a driveway on the south side of Sherwood Business Park depending on the development.

Vice Chair Copfer asked staff about the alignment of the road. Brad responded that the alignment would be dependent on how the property develops and a new development would, at a minimum, be required to provide a right of way and possibly the road depending on the intensity of the development. Typically the road is brought to the edge of the property.

Brad spoke about Mr. Anderson's comment on the access south of the business park and said he did not think the County or ODOT would be opposed to a private agreement between property owners.

Mr. Anderson asked that it be taken into consideration that the Fire Marshall often requires two accesses. He said he would like this to be considered before the existing access is vacated.

Brad clarified that Mr. Anderson was asking that the access on Roy Rogers Road remain for potential fire access. He said the access was not on the TSP map now so there is no need to take any action until a development application comes in for the property.

**René Duricka**, Sherwood resident, indicated that she attended the neighborhood meeting with Washington County in July where the road was shown as connecting onto Borchers Drive. She said she wanted to ensure that there would not be any future interest in connecting the proposed road to the neighborhood. Ms. Duricka expressed her concern that the County talked about light to light access between Borchers and the light at Home Depot. She said the County was originally looking to reduce peak traffic flow from Hwy 99W to Roy Rogers Road by adding this road and said she did not want the road to connect in the future. Ms. Duricka commented about the connection being cost prohibitive and

asked who would fund the road. She said that with enough money a developer could build a bridge across and indicated that the neighbors would like to see the property become a park because there are no major parks on that side of Roy Rogers Road. Ms. Duricka repeated her opposition for access from Hwy 99W to Borchers Drive for the reason that it would be dangerous for the kids and there is already so much traffic coming through the neighborhood using Borchers.

**Amber Dahl**, Sherwood resident said she lived in the same subdivision as Ms. Duricka and said she was concerned that it was vague as to whether the road might go through in the future and asked that the cars not be diverted into her neighborhood, ever. She said that physical constraints and expense are hurdles that can be crossed and she would prefer that the plan was firm on this point. Ms. Dahl said she was confused that it was called off corridor circulation and asked how the traffic would circulate on a dead end street and if it was to circulate she did not want it to come to Borchers Drive.

**Robert James Claus**, Sherwood resident came forward and said he wanted to point out to the Commission that the whole area was non-conforming, illegal. He commented that Home Depot was low density industrial, was then zoned as a lumber yard and turned into Retail Commercial. Mr. Claus commented on the legality of development on the other side of the highway and said he did not think that mattered in Sherwood. He held that the Planning Commission was a façade and decisions made by the body are made outside of this room. Mr. Claus commented on the business operations and patronage of Walmart. He commented regarding Washington County planners contacting Walmart for circulation information. Mr. Claus commented on the city having two light industrial areas with one of them not legal per the IRS. He remarked that the Planning Commission was putting a collector status road into an area that was created illegally over a situation that caused a former City Manager to be dismissed. Mr. Claus suggested that city planning in Sherwood was done on a case by case basis having nothing to do with what the law says and if the City wants a collector, it is put there. He commented on the construction of Meinecke by ODOT, and suggested there were payments for silence. Mr. Claus indicated he did not care what was done and commented that the decision is already made.

Chair Simson asked for applicant rebuttal.

Stefanie Slyman of HHPR and Dan Erpenbach of Washington County came forward and addressed questions raised in public testimony.

**Ms. Slyman** informed the Commission that the alignment of the road was illustrative and the actual map amendment was shown in the Traffic Study has a flattened alignment into the area (see record, page 56, December 10, 2013 Planning Commission Meeting packet). She said the actual alignment design will be a function of whatever development comes in and the County would have no issue with the road moving slightly either way.

Ms. Slyman described that the intent was for the road to stop as shown in the alignment and the County has no interest in it continuing it further. She said that light to light comment from the County was referring to bringing traffic to a signalized intersection and not necessarily taking it across to another light (Borchers Drive). Ms. Slyman responded that the circulation is achieved through the east end of Langer Farms Parkway that creates a loop [to Tualatin Sherwood Road] as well as internal circulation to nearby properties served by the road. She confirmed with Chair Simson that without going through the

intersection at Hwy 99W and Roy Rogers Road, the proposed road would provide a safe crossing from Hwy 99W to Tualatin Sherwood Road or the businesses that will be served by the Baler extension.

Ms. Slyman asked if Mr. Erpenbach had anything to add. He answered that he did not.

Chair Simson asked about a second access that may be required by the Fire Marshall. Brad Kilby responded that the TSP does not address fire access to every piece of property. However, if someone were to inquire of the City regarding developing Mr. Anderson's property with an industrial use and the Fire Marshall said two accesses were required, one access could be through the proposed road and the second access could be limited fire and emergency access off of SW Roy Rogers Road. He added that if the Fire Marshall did not get his hydrant flow or mitigation (measures that can be used to fight fires) he will require two accesses for a clear in and out. Brad stated that this action would not prevent a second access.

Chair Simson asked if the Planning Commission could add language to the recommendation to City Council to ensure that there would not be a future connection to Borchers Road.

Brad responded that this action was a legislative decision and the extent of the request was to show the alignment in its current location and said it was highly unlikely that the connection will ever be made. He acknowledged that Ms. Duricka and Ms. Dahl were correct in that a road could be created across the ravine, but that it would require another development review and a public process. Brad commented that it would be uncharacteristic of the Planning Commission to say that a street would never go through, because circumstances change.

With no other questions for the applicant, Chair Simson closed the public hearing and asked for final comments from staff.

Brad said that in the Traffic Study the road runs parallel to Hwy 99W and he would suggest that the recommendation to Council include that figure as an example of how the TSP map should be amended.

Commissioner Walker explained that she would like the Commission's intention that the road not go through be indicated in writing.

Commissioner Griffin added that showing the alignment and having it stub at the end with verbiage supporting what the County said about it not being feasible or reasonable to continue the road shows the Commission's position.

The following motion was received.

**Motion: From Vice Chair James Copfer to forward a recommendation of approval to the Sherwood City Council on PA 13-03, Adams Avenue North TSP Amendment with the following modifications; that the map where it shows stubbed on page 56 shows the intent that the Commission is not looking at having that road go through to Borchers at any time, knowing that somebody may come in the future to look at that, but currently the intent of the Commission and the residents of the Hunter's Ridge area do not wish to have that go through, based on the applicant testimony, public testimony received, and the analysis, findings and conditions in the staff report and applicants materials. Seconded by Commissioner Russell Griffin. All present Planning Commissioners voted in favor (Commissioners Clifford and Cooke were absent).**

*Note: See page 56 the December 10, 2013 Planning Commission Packet for the map specified in the motion or page 5 of the Traffic Report by DKS Associates dated September 17, 2013.*

Commissioner Cary returned to the dais.

#### **b. Public Appeal Hearing - PA 13-04 Transportation System Plan Amendment for Baler Way**

Chair Simson called to order the public hearing for PA 13-04 and read the public hearing statement. She indicated that this was a continued hearing and the applicant had twenty minutes remaining from the previous hearing to split between presentation and rebuttal. Chair Simson reminded that the Planning Commission would be making a recommendation to the City Council and asked for a staff report and update.

Brad Kilby, Planning Manager gave a presentation and explained that the proposal would be for an extension of Baler Way (see record, Exhibit 2). He showed the location of Les Schwab, underdeveloped property next to it, and Sentinel Storage. He said that there was currently a signal at the intersection of Baler Way and Tualatin Sherwood Road. Brad explained that the proposal was to designate an extension of Baler Way on the TSP as a collector that would go from the Baler Way signal, behind the Sentinel Storage to the Langer Farms Parkway that is being constructed.

Brad showed that there was already an extension of Baler Way to connect with Langer Farms Parkway further north by the Home Depot shown on the TSP because of the Adams Avenue North Concept Plan. He explained that there were power lines from the Bonneville Power Administration (BPA) and Portland General Electric (PGE) in the area which made it difficult to develop, but by leaving that road on the TSP gives the city the future option of a local street up to the northern extension of Langer Farms Parkway [by Home Depot]. Brad described that it is important to have this northern connection because the property in that area is zoned for Commercial and Light Industrial development in the Concept Plan and it is likely that connectivity would be needed.

Brad ensured that the proposed road gets a collector to a collector at a signalized intersection. He advised that the County has asked that the Planning Commission leave the northern portion as a local connector and designate the new portion of the road that goes behind the sentinel storage as a collector.

Brad showed a map of the Adams Avenue North Concept Plan that has been adopted by the City and relayed that a large portion of the land will remain undeveloped (under the power lines).

Brad said the proposed road is not currently in the Transportation System Plan and the County has requested that it be put on the TSP and designated as a collector. He explained that a collector was a higher classification of road and that it makes sense to have a wider, higher class road there if the signal is removed at the cinema and Albertsons location, because there will be more traffic in that corridor.

Staff recommended that Planning Commission forward a recommendation of approval to the City Council to place the proposed collector onto the City's TSP Functional Classification Map.

Chair Simson asked for bias or conflict of interest.

Commissioner Cary said he was curious what the landowners thought of the proposal and indicated that he spoke at length about the project with city councilman, Matt Langer about Baler Way going through Les Schwab to his property.

Chair Simson said that Ty Wyman had contacted her the previous Friday to ask about the process and time permitted for testimony. She said she did not engage in a discussion about the project.

No conflicts or bias were declared and Chair Simson asked for application testimony.

Stefanie Slyman with Harper Houf Peterson Reghillis (HHPR), the applicant's representative, and Dan Erpenbach of Washington County came forward.

**Ms. Slyman** stated that there was no new information for the Commission and the County had not met with TakFal Properties. She said that Russ Knoebel had pointed out at the start of the previous hearing date that those design details TakFal had asked for would not be forthcoming in this timeline. Ms. Slyman said the details were not relevant to the approval criteria nor was it the level of detail that is required in a TSP Amendment. She repeated that the application was for the alignment and functional classification designation of a road and deferred the rest of their time for questions and rebuttal.

Chair Simson asked for public testimony beginning with proponents.

**Phil Grillo**, from Davis, Wright, Tremaine representing, the owner of Sherwood Cinema Center, TakFal Properties, handed out written testimony (see Planning file PA 13-04, Exhibit D). Mr. Grillo said he wanted to update the Commission on the status of conversations with Washington County since the hearing on December 10, 2013. He said WH Pacific was hired to help refine the alternative access needed. A drawing of the alternative access was provided to the Commission as Exhibit A of the letter. Mr. Grillo expressed that they had hoped to have discussions with the County and City in order to bring an agreement that could be integrated into the Commission's decision, but the County did not want further discussions until the LUBA decision was completed and the TSP Amendment approved.

Mr. Grillo stated that TakFal's position was to continue to support the TSP Amendment conditionally. He showed two conditions pages on 2 and 3 of the letter that he wanted to have added if the decision was approved. The first condition stated that prior to the elimination of TakFal's existing traffic signal and left turn lanes on Tualatin Sherwood Road, Washington County would provide alternative access that was reasonably consistent with the alternative access plan shown in Exhibit A. Mr. Grillo said that Exhibit A was a conceptual idea of what the access should be as it refines how the Cinema Center would connect with the extension of Baler Way and shows the entrance off of Hwy 99W that has been orally approved by ODOT.

Mr. Grillo explained that the second condition asks that prior to the elimination of the traffic signal and left turn lanes the applicant:

- a. Amends TakFal's site plan approvals to be consistent with the alternative access plan. Mr. Grillo said the access is governed by the approved Site Plan and they wanted to be sure that the Site Plans are consistent with the access that happens.
- b. Amends Figure 8-10 of the Sherwood TSP. Mr. Grillo felt that if the Commission was going to allow the signal and left turns to be eliminated the figure should be amended.



- c. Amends Figure 8-11 of the TSP to eliminate Project 15 which calls for the elimination of the signal at Baler Way and blocks the crossing of Tualatin Sherwood Road.

Mr. Grillo ended with a letter to the Commission that explains why TakFal's position is relevant to the applicable policies of the cities TSP and Comprehensive Plan (see Planning file PA 13-04, Exhibit E).

**Ty Wyman**, attorney for Merlone Geier Partners came forward. Mr. Wyman explained that Merlone Geier was the managing member of MGP X Property LLC which owns and operates the Sherwood Market Center (by Albertsons). He introduced Barron Caronite as Merlone Geier Partners' Director of Land Development with a background in Civil Engineering and said Merlone Geier owns and operates retail centers up and down the west coast. Mr. Wyman stated that his background was in Land Use process. He said they were testifying in opposition because Washington County is determined to remove the traffic signal that constitutes the main entrance to the Sherwood Market Center. He asserted that the removal of the signal would decimate the center. Mr. Wyman said the legislative process before the Commission afforded them some luxury, particularly after the testimony of Mr. Grillo and as a legislative process, was not under the 120 day rule. Mr. Wyman asked the Commission to think about what they would do and stated that timing has not been the County's strong suit. He explained that the County rendered a decision, last September, to remove the signal and widen the traffic lanes in front of the MGP X and TakFal properties and said that the decision has been appealed at the Land Use Board of Appeals (LUBA), but may end up in circuit court. Mr. Wyman specified that the removal of the signal was a serious matter and the problem with the amendment before the Planning Commission was that it was premised on the removal of the signal at Tualatin Sherwood Road, which is not a forgone issue. He stated that the removal of the signal directly contradicts the Sherwood Transportation System Plan. Mr. Wyman said that land owners across the state, like Merlone Geier depend on comprehensive planning and for a Comprehensive Plan to have meaning, that property owners must be able to put reasonable expectations into it and to be able to rely on plans that show the existence of the traffic signal. Mr. Wyman commented that what was before the Commission was not comprehensive planning, but ad hoc traffic engineering with a summary signal removal decision; the proposed TSP Amendment premised on that decision; and a TSP process underway that may remove the signal from the TSP in the process of the update.

**Barron Caronite** commented in terms of the County's four pronged approach and said that what was before the Commission was only the off corridor issue and suggested that in order to modify [the TSP] they would like to see all those issues addressed. He said that if the traffic signal is to be removed, public notification should be made for the removal of the signal and there should be a discussion of that. Mr. Caronite advised that the removal of the signal from the TSP, as reflected in Figure 8-10 in the Traffic Control Master Plan should be in the County's proposal and said that the analysis from DKS assumes the traffic signal has been removed, but no action has been taken to do that. He said all four issues should be bundled together as a modification to the City's TSP and addressed as part of the Tualatin Sherwood Road Project. Mr. Caronite expressed that they did not feel that adding a road and making a modification to the Plan had been fully vetted, because the traffic analysis assumes the traffic signal has been removed and the impact that the syncing of the signals would have on the corridor through the Intelligent Traffic System (ITS) had not being fully analyzed.

Ty Wyman offered his regrets that they opposed the action. He said they have spoken with the County for many months and would be happy to continue those discussions. He asked the Commission not to forward a recommendation to City Council.

James Copfer asked if the Commission was being asked to continue the hearing. Mr. Wyman responded that they would like the Commission to forward a strong negative recommendation, but would be open to a continuance. Mr. Wyman suggested that everyone “go into the hallway” and sit at the table because it was an important issue. He explained that both Merlone Geier and TakFal Properties had retained traffic professionals and presented alternatives to the County.

Michael Cary asked if the loss of the signal would leave two entrances into the property.

Mr. Caronite responded that the loss of signal represents no left movements; no left turn out or in to the property. He said that people know there is more than one driveway into the property, but with the removal of the light the circulation for the property can only be approached from one aspect. Mr. Caronite commented on the testimony from Rose’ Restaurant that expressed concern about how access works and how it will impact their business. He said Merlone Geier remains very concerned for their tenants and their ownership as to access modifications to the property.

**Robert James Claus**, Sherwood resident noted that he marked other on the form, because he did not have an opinion regarding the application and said it was a problem created by the Planning Commission and the City Council. He commented that the Commission did not have enough data to make a decision and suggested that decisions in Sherwood were made economically and not professionally. Mr. Claus asked regarding what the origin destination of the trips was and what the timelines were. He commented about the number of people that pass the intersection daily and said there was not a dot map for the area, but one could be put together. Mr. Claus said the area was more square footage than Washington Square and the proposed amendment would change the profile of the city, coming into Sherwood. He said a dot map should have the origin destination, profile of the motorists, and the hours they would come.

Mr. Claus commented that the stop sign was the only sign that has ever been traced to cause accidents as identified by Travis Brooks, author of the Manual of Uniform Traffic Control Devices. He commented regarding the Home Depot and said that the “transportation net” was being dragged behind that decision. Mr. Claus commented on the state of the wildlife refuge and suggested that someone from the National Academy of Science should attest to what has been done. He asked where [the County] was when Walmart went in and commented that on certain days 37,000 cars would be generated.

With no other public comments, Chair Simson asked for rebuttal from the applicant.

Stefanie Slyman, the applicant’s representative from HHPR and Peter Coffey, Traffic Engineer from DKS Associates came forward. She thanked Mr. Grillo and Mr. Wyman for their testimonies and commented that they have put thought into it. Ms. Slyman said there was new information received from the testimonies.

Chair Simson commented that it was a good point. In order to review the new information, she called for a recess at 8:34 pm and reconvened at 8:42 pm.

Stefanie Slyman addressed the new information submitted by Mr. Grillo by stating that the land use action was a high level plan map amendment about creating better access in the area through the addition of Baler Way and not about access details or site development. She said the issues that are brought forth in the letter regarding site and access details are being handled through a separate Right-of-Way process for Tualatin Sherwood Road. Ms. Slyman argued that “apples and oranges” were being mixed together and the conditions for Site Plan approvals are not part the application.

Ms. Slyman commented about further amending the TSP and said the County did not have any problem with doing that, but would not like to include them as part of this TSP amendment which is about creating access at Baler Way. She said that if the city could entertain those suggestions as part of its current TSP update. Ms. Slyman related that the items that deal with access and design in Mr. Grillo’s letter could be handled through the Right-of-Way process for the Tualatin Sherwood Road widening and commented that off-site property impacts were being comingled in a larger discussion of the City’s circulation.

**Peter Coffey** added that the proposed amendment was a stand-alone project to add a collector facility to the TSP in order to improve circulation. He said the questions should ask if it improves access and circulation to the area and if it meets the requirements of the State’s Transportation Planning Rule found in OAR 660-012-0060. He confirmed that it did. Mr. Coffey commented that the transportation analysis did the appropriate level of traffic analysis and has met the requirements. He supported Ms. Slyman’s assertions that the details about site circulation and access were not part of the process for the TSP amendment.

Commissioner Griffin asked if the stoplight (in front of the cinema and Albertsons) was not removed in the remodeling of Tualatin Sherwood Road, would the County still be recommending the extension of Baler Way in this TSP amendment.

Ms. Slyman confirmed and added that in rebuttal to Ty Wyman’s testimony, this amendment was not premised on the removal of the signal, but premised on the fact that the County is trying to manage access and circulation in four different ways, and this is one of those ways. She remarked that when you look at the map it make sense to continue Baler Way northward through the North Adams Concept Plan area. She listed that the road aligns with the City’s previous plans for circulation in the area, helps to manage circulation onto Tualatin Sherwood Road, and provides more access for existing businesses.

Ms. Slyman commented that it would be a bad precedent to condition a high level planning TSP amendment with on the ground details to be used for a separate project.

Commissioner Cary asked regarding the spacing of the lights on Tualatin Sherwood Road and asked regarding the impact of a signal at Langer Farms Parkway.

Mr. Coffey responded that the intersection at Tualatin Sherwood Road and Hwy 99W was the critical bottleneck intersection of the corridor and where the longest vehicle queues formed. He said that the issue was the close spacing of signals and the long vehicle queues extending from one intersection to another. Mr. Coffey commented that the Baler and [Langer Farms Parkway] signals are closer than desired, but there is still enough capacity at the intersection to service the vehicles without the long vehicle queues; the long queues out there today are caused from Hwy 99W and head east.

Chair Simson noted that the design presented at the open house, with the removal of the lights, included the removal of turn lanes, which will improve the storage space and get more lanes moving straight.

Mr. Coffey described that they would get longer left turn pockets [at Hwy 99W] and were adding capacity with more left lanes and through lanes.

Commissioner Cary questioned how Baler Way would be impacted, said that he used the road in his daily commute, and commented that the traffic will just back up further down Tualatin Sherwood Road.

Commissioner Russell commented on first time travelers of Tualatin Sherwood Road who may not be aware that there is only one lane across to Roy Rogers. He said that space is being taken up by the left turn lanes and those lanes need to go further back. He said he agreed with that, but not necessarily with taking away the light.

Mr. Coffey commented that the County was trying to focus on the Baler Way extension and not the other elements. Commissioner Cary voiced that they were tied together. Mr. Coffey said that whether the signal is removed or not, doing this TSP amendment was relevant and beneficial to the circulation to the area.

Ms. Slyman said it was one piece of the puzzle and there are many elements and because you cannot do them all, does not mean you do not do any.

Commissioner Cary asked if so much has changed in 22-24 years and asked if the traffic was poorly forecasted.

Mr. Coffey responded that the close proximity of the shopping center signal to Hwy 99W was discussed before it was put in and how long it would stay. He informed the Commission that if you go back to studies a long time ago, they knew the signal was too close to Hwy 99W, but that is where they could gain their access. They gained their access and documented that alternative access needed to be developed in the future. Mr. Coffey said that this TSP amendment to extend Baler Way helps develop that.

Commissioner Cary asked who was responsible for allowing the light to go in if it was known that it was in the wrong spot. Mr. Coffey supposed that you have to consider the time when those decisions were made, and at the time, there were no options for alternative access. He said that traffic volumes are significantly greater today than when the signal first went in and you can see the ramifications of it. Mr. Coffey explained that the left turn lanes are too short and there needs to be more space for queuing, there needs to be more distance between signals. Those are all the things that the county has been going through and analyzing.

With no further questions for the applicant, Chair Simson closed the public testimony and asked staff for additional comments.

Brad Kilby deferred to City Engineer, Bob Galati. Bob asked for specific questions the Commission may have.

Commissioner Cary asked if the decision by Planning Commission on this matter had any effect on the signal at the cinema and Albertson's.

Bob answered that the decision today should be taken independently, but in context for the rest of the project. He commented that Transportation System Plan amendments are geared toward helping the whole system work by analysis with given constraints. Bob said the extension of Baler Way was a system improvement that was not based on any one item and you could not attribute it to just the signal, because the whole project affects the whole area. He added that the proposed amendment would benefit the system operation with better capacity and improved functionality.

Chair Simson asked regarding the review done by Engineering staff on the traffic information provided. Bob replied that the project met the criteria set forth for the Regional Transportation Plan requirements for connectivity. Chair Simson commented that the extension would do no harm and it remained to be seen if it would do any good. She followed that the expectation to provide additional connectivity to those commercial and industrial areas up to Home Depot frontage road was envisioned in the North Adams Comprehensive Concept Plan.

Chair Simson asked staff what the process was for citizens of Sherwood to be engaged at the next level; changes to the site plan or lanes being added or removed.

Bob responded that it would be through the County's right-of-way negotiations with the local business and property owners. He explained that the expectation the City has always presented to the County was that the functionality and viability of the businesses remain during construction and during this phase of the design and right of way acquisition the business and property owners are going to be negotiating these things with Washington County. To support them and make them whole the City will work with them to ensure that this is accomplished. Bob explained that the second aspect of this was that when development occurs there will be public input as part of this whole process for site development. Bob commented that this project will be a part of the TSP update itself. He stated there was an opportunity for the community to respond through public hearings as part the TSP update process at the Planning Commission and City Council levels.

Commissioner Cary asked how it would impact the Tualatin Sherwood Road widening project if the amendment did not get approved. Bob responded that he would need to ask the applicants and the main question was what this TSP amendment would do. He said that Tualatin Sherwood Road project is a major change that is impacting a very large system and the amendment is trying to help connectivity on that system wide change. Bob said that it would help mitigate the connectivity to an extent and bring the system back into balance.

Commissioner Cary said he had concerns about the Baler Way and Langer Farm Parkway lights being too close together twenty years down the road. He commented that it was not foreseen that this light being close to Hwy 99W being an issue and now it is and asked if it would be the same problem in 2025.

Bob offered that Mr. Coffey could discuss how Walmart was forecasted to impact traffic and how much delay there would be to get through all the intersections with or without the project going through. He said it was not a perfect fix for the next one hundred years and he did not think any system could survive that long in its original configuration and still work appropriately. Bob stated that he believed that the County has looked at it well enough to know that if something is not done, based on simple growth patterns, we are looking at significant issues in the short term. Bob said the growth may be outside of

Sherwood. He said that the calculations that DKS Associates provided gave him confidence that the County is doing the right thing in trying to provide alternatives to the system.

Commissioner Walker expressed that her concern was for the business owners and the removal of the light. She discerned that the Planning Commission's decision about the TSP amendment would not have any bearing on whether the light is going away or not.

Chair Simson suggested that the language in the findings on page 6 of the staff report where it identified that future *development or improvements would likely require the City to evaluate and possibly relocate existing access locations for the purposes of improving safety along the future collector* be changed to add language to the TSP that said the process for doing that would be an engaged public process. Chair Simson expressed her understanding that it is Washington County's facility, but that the road goes through the heart of our city and she felt as though, between ODOT with Hwy 99W and the County with Tualatin Sherwood Road, the citizens do not have a say on what happens in our community.

Brad explained that the access that he was speaking of in the staff report had nothing to do with the signal on Tualatin Sherwood Road, but had to do with the access location of Les Schwab onto Baler Way which would be a collector. He said the driveway for Les Schwab was at, or close, to an intersection and those impacts had to be evaluated.

Brad added that the Commission was asking fundamental and valid questions that the Commission was right to ask. He requested that they keep in mind that every Comprehensive Plan document including the Transportation System Plan is a living document, so what is in place today may not work twenty years down the road. Brad asserted that we have to adjust as time goes on and conditions change, and to be cognizant of that. He stated that he did not want to hurt any businesses, but those hard decisions have to be made by somebody. Brad said the Commission could add language, but the question was if the TSP amendment to include a Baler Way extension as a collector street should be included, independent of what happens with the light. He related that City Council had expressed support for the removal of the light to the County and adding language may not change that. Brad reminded the Commission that there was a question before LUBA regarding if the removal of the light was a land use decision. He asked if the Commission thought it made sense to have a collector in this location and suggested the Commission forward a recommendation to Council accordingly.

Chair Simson asked for any further questions for staff to answer or comments from the Commission.

Vice Chair Copfer commented he did not disagree that it was a bad precedent to condition a high level TSP amendment, but argued that it was not time sensitive and there is a lot of information that the Commission did not have. He said he believed the two projects were tied together and acknowledged that there was conflicting plan language. Vice Chair Copfer endorsed continuing the hearing.

Commissioner Walker commented that there was a push to make a decision without all of the information. Discussion followed.

Chair Simson commented that the collector would add the connectivity that was in the Langer Farms Parkway (Adams Avenue North) Concept Plan.

Commissioner Walker asked if there would be public process when it was time for the street to be put in and if access to the back of the theater would be discussed then.

Brad answered that it would be through site plan modification process; any time you modify the access in such a way to affect off site traffic you go through a major or minor modification to an approved site plan. He said there may be other opportunities for public involvement through the process of establishing access points and locations. Brad said that if the Commission concurred to continue the hearing in order to receive additional information, the direction to staff should be specific.

Vice Chair Copfer asked if they could look at Figures 8-10 and 8-11 in order to see how the Baler Way extension and the other intersection correlate in the current TSP based on those figures. Brad confirmed that he had it available. Vice Chair Copfer expressed interest in reading the TSP language with the figures per Mr. Grillo's testimony.

Commissioner Walker commented that whether or not the Commission holds this decision hostage based on the light makes no difference. It needs to go through based on our previous approval of the concept plan.

Chair Simson called a recess at 9:14 pm to look at the figures and in order to answer the question if it provides a conflict. She said the two documents would be added as exhibits. The hearing reconvened at 9:17 pm.

Chair Simson asked Brad Kilby to explain the information provided to the Commission during the recess. Brad responded that he showed the commission Figure 8-10 and Table 8-11. Brad described Figure 8-10 as the Traffic Control Master Plan which shows the locations in the City of Sherwood that are signalized. He said the conflict is that it shows in the Transportation System Plan that there is a signal at the shopping center. Brad explained that the City was in the process of updating the Transportation System Plan and if during that process the signal is removed the dot will have to come off the map. He compared it to Elwert Road being changed from a County rural collector to an urban collector.

Brad described Table 8-11 as a listing of projects. He said Project 15 is a city funded project to remove a traffic signal and install raised median at Langer Drive and Tualatin Sherwood Road. The project is slated to cost \$100k. Brad remarked that the last evaluation of the TSP was in 2005 and one of the planned traffic control enhancements was to remove the traffic signal at Tualatin Sherwood Road and Langer Drive, but there is not a signal there.

Bob clarified that Langer Drive connects into Baler Way at the Target site. He said there is a signal at Baler Way and Tualatin Sherwood Road, but development took a different course in that area and the land use actions changed how the road structure was put in.

Vice Chair Copfer asked if the TSP amendment was a separate decision from the intersection at the theater. Bob confirmed.

Chair Simson asked for further discussion.

Commission Griffin commented that he often used the shortcut through the shopping center to get to the theater and would often stop for gas, groceries or banking while he was there. He said he did not like to see that option go away, however we cannot control the amount of traffic on Tualatin Sherwood Road,

which will only get worse with the Walmart shopping center. Commissioner Griffin noted that the County was being proactive and the light is a separate issue. He said he was already planning how he would get to Home Depot from his house without having to drive on Tualatin Sherwood Road or Hwy 99W. Commissioner Griffin commented that he was pro-business and did not want to hurt anyone, but felt it was top level enough.

Commissioner Walker commented that the Commission will have some oversight when development comes in.

Commissioner Griffin commented on who would develop the road and recounted his driving patterns through Tualatin's recently developed light industrial areas and the foresight used. He inferred that Sherwood should think ahead also.

With no further discussion the following motion was received.

**Motion: From Vice Chair James Copfer to forward a recommendation of approval to the Sherwood City Council on PA 13-04 Baler Way TSP Amendment based on the applicant testimony, public testimony received, and the analysis, findings, and conditions in the staff report and applicants materials. Seconded by Commissioner Michael Cary. All present Planning Commissioners voted in favor (Commissioners Clifford and Cooke were absent).**

Vice Chair Copfer expressed that if the Commission was making a decision on the signalized intersection at Albertsons he would feel differently. He said the amendment was for the Baler Way connector and he felt the signal to be a serious issue. Commissioner Cary concurred.

#### **8. Planning Commission Announcements**

Commissioner Griffin commented that Sherwood was such a great city to live in and spoke of a character from the television show, *The Good Wife*, who hails from Sherwood.

#### **9. Adjourn**

Chair Simson adjourned the meeting at 9:29 pm.

Submitted by:

Kirsten Allen

Kirsten Allen

Planning Department Program Coordinator

Approval Date: May 27, 2014